

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	CASE NO: 10-56012
	)	Chapter 13
Daniel James Antell)	
)	
Debtor(s).	)	Judge Marilyn Shea-Stonum
)	
	)	ADVERSARY NO: 10-5194
Daniel James Antell)	
Plaintiff	)	<u>MOTION FOR DEFAULT</u>
	)	<u>JUDGMENT</u>
v.)	
Household Realty Corporation, et al.)	
Defendants.)	

Now comes the plaintiff, by and through the undersigned counsel, who prays for the entry of an order granting a judgment by default for the relief prayed for in his complaint pursuant to Bankruptcy Rule 7055 and Fed.R.Civ.P. 55. The plaintiff states the following:

1. Service of the summons and a copy of the complaint filed herein was made upon the defendants as follows:

By ordinary U.S. Mail, postage prepaid, on January 4, 2011 to:

Secretary, U.S. Department of Housing and Urban Development, 451 Seventh St., S.W., Washington, DC, 20410; Regional Counsel, HUD, Ralph Metcalfe Federal Building, 77 W. Jackson Blvd., Chicago, IL 60604; U.S. Attorney, 801 W. Superior Ave., #400, Cleveland, OH 44113-1852 and Cathryn E. Greenwald, 1100 Superior Ave., Cleveland, OH 44114-2518.

By certified U.S. Mail, postage prepaid, on January 4, 2011 to:

Household Realty Corp., Attn: Officer or General Counsel, 841 Seahawk Circle,

P.O. Box 8546, Virginia Beach, VA 23452.

2. The defendant the United States by its offices and agencies have failed to answer or otherwise plead to the complaint within 35 days and Household Realty Corporation has failed an answer or otherwise plead to the complaint within 30 days as referred to in the above-referenced rules.

WHEREFORE, the plaintiff prays for the entry of an order granting him a default judgment for the relief prayed for in his complaint, *viz.*, that the plaintiff is entitled to an order declaring that his indebtedness, if any owed to the defendants are wholly unsecured obligations and should be allowed and paid by the chapter 13 plan inside the plan as general unsecured claims. The plaintiff further is entitled to a judgment declaring that the alleged second mortgage owed by the plaintiff to Household Realty Corporation and the alleged third mortgage owed to the Secretary of the U.S. Department of Housing and Urban Development are null, void and without any legal effect whatsoever. The plaintiff further is entitled to an order avoiding and canceling a judgment lien recorded by Household Realty Corporation designated as judgment lien number J2009-4769 in the records of the Summit County, Ohio Clerk of Courts be declared to be avoided and canceled pursuant to 11 U.S.C. Sec. 522(f).

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851
159 S. Main St., Suite 1023
Akron, OH 44308
330 384 8484
fax 330 384 8953
elkwhitt@neo.rr.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion was served upon the following parties in the manner described below on this 11th day of February, 2011, *viz.*,

Ordinary U.S. Mail, postage prepaid:

Cathryn A. Greenwald
1100 Superior Ave. 19th Floor
Cleveland, OH 44114-2518

Certified U.S. Mail, return receipt requested, postage prepaid:

Secretary, U.S. Department of Housing and Urban Development
451 Seventh St., S.W.
Washington, DC 20410

Regional Counsel, HUD
Ralph Metcalfe Federal Building
77 W. Jackson Blvd.
Chicago, IL 60604

U.S. Attorney
801 W. Superior Ave., #400
Cleveland, OH 44113-1852

Household Realty Corp.
Attn: Officer or General Counsel
841 Seahawk Circle
P.O. Box 8546
Virginia Beach, VA 23452

and by electronic ECF notice to the U.S. Trustee and to Keith Rucinski, chapter 13 trustee.

/s/ Robert M. Whittington, Jr.

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:	)	CASE NO: 10-56012
	)	Chapter 13
Daniel James Antell	)	Judge Marilyn Shea-Stonum
	)	<u>NOTICE OF MOTION FOR A</u>
	)	<u>DEFAULT JUDGMENT</u>
Debtors.)	
	)	ADV. NO. 10-5194
Daniel James Antell)	
Plaintiff)	
v.)	
Household Realty Corp., et al.)	

The plaintiff has filed papers with the Court to be granted a judgment by default for the relief demanded by him in his complaint pursuant to Bankruptcy Rule 7055.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the motion, or if you want the Court to consider your views on the motion, then on or before March 1, 2011, you or your attorney must file with the Court a written request for a hearing and a written answer explaining your position at the office of the Clerk of the Bankruptcy Court, room 455, U.S. Courthouse, 2 S. Main Street, Akron, Ohio 44308. If you mail your request to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Robert M. Whittington, Jr., 1023 Key Bldg., 159 S. Main Street, Akron, OH
44308

Keith Rucinski, chapter 13 trustee, I Cascade Plaza, #2020, Akron, OH 44308

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATE: February 11, 2011

/s/ Robert M. Whittington, Jr., 0007851
Attorney for the Debtor(s)
1023 Key Bldg.
159 S. Main St.
Akron, OH 44308
(330) 384-8484